

NOV 24 2004

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA )  
DEPARTMENT OF INSURANCE, )  
PETITIONER, )

CONSENT ORDER

VS. )

CAUSE NO. A-1597

TONNIE L. COBBS, SR., )  
RESPONDENT. )

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair, and Tonnie L. Cobbs, Sr. ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§44-101.01 (Reissue 1998), and §44-4047 et seq. (R.S.SUPP.,2002).

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Tonnie L. Cobbs, Sr., Cause Number A-1597 on October \_\_, 2004. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-4064 (R.S.SUPP.,2002) as a result of the following conduct:

- a. On or about July 29, 2004, Respondent issued a check in the amount of \$40.00 to the Petitioner as payment for Respondent's licensing fee. Respondent's check was returned to the Petitioner twice by Respondent's bank marked "Insufficient Funds." Respondent failed to maintain sufficient funds in his bank account to allow clearing of this check, and as such has failed to pay the required licensing fee.
- b. On or about August 18, 2004, Licensing Division Administrator Beverly Creager sent a letter by certified mail to the Respondent requiring that the check be replaced with either a money order or a certified check, and that a \$25.00 administrative fee be paid within 10 days from receipt of the letter. The letter was received by Respondent on August 27, 2004. To date, Respondent has failed to respond to the letter.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations stated in Paragraph 2.


#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-4064 (R.S.SUPP.,2002).

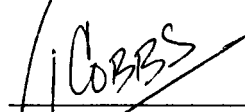
#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Tonnie L. Cobbs, Sr., that Respondent shall pay sixty-five dollars (\$65.00) to cover the insufficient fund check and the administrative fee for the returned check, and an administrative fine in the amount of five hundred dollars (\$500.00), due within 30 days after

the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amounts required under this consent order, within the time specified, Respondent's Nebraska insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.

  
Janette L. Adair, #22618  
Attorney for Petitioner  
941 "O" Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

11-22-04  
Date

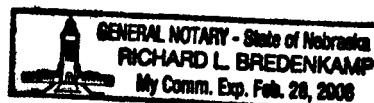
  
Tonnie L. Cobbs, Sr.,  
Respondent

11/22/04  
Date

State of NEBRASKA )  
County of LANCASTER ) ss.

On this 22<sup>nd</sup> day of NOVEMBER, 2004, Tonnie L. Cobbs, Sr. personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

  
Notary Public



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Tonnie L. Cobbs, Sr., Cause No. A-1597.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

11/24/04

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at P.O. Box 1326, Bellevue, Nebraska 68005, by certified mail, return receipt requested on this 24<sup>th</sup> day of November, 2004.

